

April 20, 2009 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Monday, April 20, 2009 at 7:00 P.M.

Council President Christopher T. Semonelli, Presiding

Vice Chairman Richard Cambra

Councillor Frank A. Bozyan

Councillor M. Theresa Santos

Councillor Edward J. Silveira, Jr.

Councillor Robert J. Sylvia

Councillor Barbara A. VonVillas, Members Present

CONSENT CALENDAR

1. Approval of Minutes – Regular Meeting, April 6, 2009.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve said minutes.

2. Approval of Minutes – Special Meeting, April 13, 2009.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve said minutes.

3. Application of Beach House Newport, LLC d/b/a Beach House, 42 West Main Road, for RENEWAL of a Holiday License for the 2009-2010 licensing year.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license renewal.

4. Application of Lee Patrick Richardson dba Richardson's Ice Cream, 1272 East Main Road, Portsmouth, for RENEWAL of Peddler's License for the 2009-2010 licensing year.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license renewal.

5. Communication of Michael P. Lewis, Director, Department of Transportation, with enclosures, re: Roadway Investment – Local Equity Aid Program (RI-LEAP) – Notice of Funding Availability.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

6. Memorandum of Town Administrator, with enclosures, re: Police Progress Report #9.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum and report.

7. Communication of Finance Director, with enclosures, re: Tax Collector's Report for period ending March 31, 2009.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and report.

8. Email communication Town Clerk, Town of Burrillville, re: Requesting support in opposition to House Bill 2009-H5123.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said email communication.

9. Notice of Public Hearing received from the Zoning Board of Review, Petition of Kenneth J. Alves, owner, Regatta Car Wash, Inc., applicant by their attorney Peter Brent Regan, Esquire for an Extension from Section 1106 for a period of six (6) months, on real estate located at 763 and 773 West Main Road, TAP 107NE, Lot 17.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said notice.

TOWN COUNCIL

1. Application of Amanda Bryan dba It's My Party, 4 Coddington Highway, for a Victualling House License for 2008-2009 licensing year. (NEW)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license, contingent on Building Official, Fire Marshall, Board of Health and Public Works approvals.

2. Application of Stas Birutis dba Bikes & Kites, 82 Purgatory Road, for a Holiday License for 2009-2010 licensing year. (NEW)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license.

3. Memorandum of Town Administrator, re: Special Events Permit – Jimmy Fund Event.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

4. Application for Special Events permit from Pan Massachusetts Challenge, PMC kids ride, A kid's bike ride fundraiser to support the Jimmy Fund, a cancer research foundation, Third Beach Road and Hanging Rocks Road, on Saturday, May 16, 2009 from 8:00 AM until 12:00 noon, rain date May 17, 2009, includes as request to waive permit fee.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said special events permit, contingent upon submission of a revised traffic control plan acceptable to the Chief of Police or his designee; and waive said fee.

5. Memorandum of Town Administrator, with enclosures, re: Police In-Kind Contribution to Pan Mass Kids Ride.

Chad Larcom, 8 Columbia Court, reviewed the PAN challenge event noting that all proceeds are given to the Jimmy Fund. The

organization is requesting the Town to provide an in-kind donation to support a police detail for the event.

Councillor Silveira explained if the request for \$3200. is granted, it would set a precedence.

Chuck Larcom, 8 Columbia Court, explained that the event may not be able to take place, if the request for the In-Kind contribution is not approved. The organization cannot afford police detail for the event. Mr. Larcom noted that he will work with the Middletown Police department to make sure that police details will be in place for the event.

Town Administrator Shawn Brown explained that Chief Pesare and his organization will have to identify an alternative means to provide safety for the event.

On motion of Vice Chairman Cambra, duly seconded, it was voted

unanimously to receive said memorandum and approve recommendation of the Town Administrator not to provide police details as an in-kind service.

6. Memorandum of Town Administrator, re: Special Events Ordinance.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

7. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title IX, General Regulations, Chapter 100, Special Events, as amended.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

8. Memorandum of Town Administrator, re: Tent Ordinance.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

9. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title IX, General Regulations, Chapter 101, Tent, as amended.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

10. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title IX, General Regulations, Chapter 94, Streets, Sidewalks and Public Places, Section 94, Sachuest Beach and Surrounding Territory, Subsection 94.35 Kitesurfing and Windsurfing Regulations.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.

11. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III, Administration, Chapter 130 General Offenses, Section 130.86 Discharge of Firearms Prohibited in Beach Areas.

Norman Whitehurst, Newport, addressed the Council noting that he is a member of several gun organizations and teaches gun safety courses. He is not objecting to restricting to the beach area itself; however, is objecting if the Sachuest Point area is included within

this ordinance.

Rose Murphy, Park Drive, noted that she was the person who contacted the Beach Commission after having someone in a canoe hunting 10 yards from shore. Ms. Murphy explained that she does not object to hunting; however does object if the hunter is close to shore.

Rian Wilkinson, Chairman, Middletown Beach Commission, expressed support for this ordinance.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.

12. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III, Administration, Chapter 30, Section 30.04

Elections Required to Transfer Interest in Second Beach.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.

13. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title IX, General Regulations, Chapter 90 Animals, Section 90.23 Licensing.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.

14. Memorandum of Town Administrator, with enclosures, re: Police Surveillance Vehicle Purchase.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

15. Resolution of the Council, re: Police Surveillance Vehicle Purchase.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.

16. Memorandum of Town Administrator, with enclosures, re: Award of contract – Pre-Cast Concrete Restrooms.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

The proposal referenced in the above memorandum is on file in the Office of the Town Clerk.

17. Resolution of the Council, re: Award of contract – Pre-Cast Concrete Restrooms.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.

18. Communication of Vice Chairman Cambra, re: Propose removal of meeting minutes from the Councillors' docket package.

Councillor Silveira expressed his support for the removal of minutes from the hard copy of the docket. Mr. Silveira requests the administration to provide a cost analysis for printing the dockets versus receiving the docket electronically.

Town Solicitor Michael Miller explained the purpose for approving minutes is for accuracy, a councillor may move to amend the minutes. Mr. Miller thinks it is important that the Council receive a hard copy of the minutes to review; however does not see the need for supplementary materials.

Vice Chairman Cambra noted that the implementation of this process is a small step to get to an electronic Town Hall.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and approve the removal of minute copies included in the Council dockets; Vice Chairman Cambra amended said motion, duly seconded, it was voted unanimously to include printed Council minutes excluding supporting documentation.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to request the administration, including the IT director, to research the cost of producing the Council docket and the

possibility of an electronic version of the docket.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

No one addressed the Council at this session

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4. and 42-46-5. (a) (2) litigation (Dicon vs. Town of Middletown) and (2) collective bargaining (Police, Fire, Public Works and Town Hall).

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to recess this meeting at 7:55 P.M. and reconvene in executive session.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reconvene this meeting in open session at 8:21P.M.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to Section 42-46-7. RIGL.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adjourn this meeting at 8:22 P.M.

Wendy J.W. Marshall, CMC

Council Clerk